



ASHURST BAR / SMITH COMMUNITY

Ex. 6 Personal Privacy (PP)

Tallassee, AL 36078

November 15, 2016

Subject: Re-issuance of MSW Landfill Permit # 62-11, Tallassee Waste Disposal Center

Russell A. Kelly, Chief - Permits and Services Division
 Alabama Department of Environmental Management
 PO Box 301463
 Montgomery, AL 36130-1463

Dear Mr. Kelly,

This letter is my response to *Public Hearing - Request for Comments - #422 - Tallapoosa County* that concerns the re-issuing of permit # 62-11 for the operation of the Tallassee Waste Disposal Center (TWDC).

I offer the following concerns and issues for your sincere and thoughtful consideration as you determine whether to reissue permit #62-11. I also have some requests that require a timely response.

- I. **TITLE VI RESPONSIBILITY:** The siting of the TWDC, as you are aware, is a textbook violation of Title VI of the Civil Rights Act of 1964. Although your Director, Mr. Lance Lefleur, stated in the ADEM Commission Meeting of August 19, 2016, that "ADEM has no responsibility to comply with Title VI or Environmental Justice," other Alabama Agencies disagree. ADEM receives federal funds and therefore is responsible and should be accountable for compliance. The Alabama Department of Transportation in its introduction to their Title VI Program Fiscal Year 2016 Implementation Plan states their responsibility to Title VI:

As a recipient of federal funding, the Alabama Department of Transportation (ALDOT) must comply with Title VI of the Civil Rights Act of 1964, as amended. ALDOT must also comply with all related rules and regulations. This report is submitted in response to 23 CFR Part 200.9 4(b) (11), which requires the State to prepare an annual report of Title VI Implementation Plan for the next fiscal year.

If other Alabama State Agencies that receive federal funds comply with the law, why would ADEM be exempt?



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- II. **INADEQUATE APPROVAL PROCESS:** The process for the approval of the site for the TWDC or the permit renewal is inadequate. In addition to facilitating the Violation of Title VI of the Civil Rights Act of 1964, ADEM and Tallapoosa County **failed to effectively communicate** with the Ashurst Bar/Smith Community (ABSC). The same process that was used initially to site the TWDC is still being employed to gain intelligence for renewal of their permit.

EXAMPLE: The current request for comments (Request #422) and the proposed/draft permit were only mailed to eighteen (18) people who owned land that shared boundaries with the TWDC. Of that eighteen (18), seven (7) went to the TWDC (or subsidiaries) and eleven (11) went to absentee land owners who do not experience the day to day impacts of the landfill. In fact, none of the people who live within the three (3) mile impact zone of the TWDC operation were given a chance to review the actual proposed permit, yet they are expected to provide input by the 5:00pm November 17, 2016 deadline.

I therefore request a 30-day extension to allow the ABSC members adequate time to review and respond to your request for comments.

Because the process does not allow for “non-technical engineering” input, ADEM consequently makes arbitrary and capricious decisions. Although the engineering aspects of the landfill and its operating plan look great on paper, they fail to recognize the negative impacts to the environment in which these residents live and depend. That implies that the agencies’ decision makers are uninformed as to the impact of their decision on the people they serve. The ADEM mission statement states:

The mission at ADEM is to assure for all citizens of the State a safe, healthful, and productive environment.

Perhaps the failure in meeting this mission is the motive behind Alabama Executive Order #23.

- III. The decision makers fail to consider connected actions and cumulative impacts under the current siting and renewal process. Maybe state regulations do not require such investigation before making decisions, but human compassion demands it. The resulting impacts felt by the community are:
- a. **LAND VALUE ISSUES:** The **reduction of land values** and the failure of the county tax accessor to adjust the taxes to reflect that value loss, the loss of land use opportunity and potential wealth of the property owner.



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- b. **QUALITY OF LIFE ISSUES: The degradation of air, soil and water quality.** The TWDC stinks. In fact, it could literally be smelled 3.5 miles away in the Tallassee City Hall Courthouse during the ADEM public hearing on November 10, 2016 in a room filled to capacity with witnesses including ADEM and TWDC personnel. New Zion A.M.E. Church has had to take up the flooring under the pulpit and place plastic over the soil in efforts to prevent the landfill odor from filling the church via the soil. In addition, **the congregation has had to purchase three (3) air filtration systems in order to hold worship service.** It has been reported that Durwood Jackson (former landfill operator) once told community members they should no longer grow food in their gardens due to potential impacts from the landfill. A local farmer is buying water for his cattle because he says that his **cows will no longer drink from the waters in local streams.**
- c. **INFRASTRUCTURE ISSUES: There has been no effort on the part of the Tallapoosa County, ADEM or the Alabama Department of Transportation** to improve the road system to handle the tractor trailer or garbage trucks that feed the TWDC. There are three (3) narrow bridges in steep curves on the route of these tractor trailers from I-85 up State Road 49 to the TWDC that are sub-standard.
- OBSTRUCTION OF TRAFFIC:** Local traffic has to wait for these tractor trailers and garbage trucks to pass before going on to the bridges.
- CHILD SAFETY ISSUES:** It has been reported by school bus drivers and residents that they are often run off of Washington Boulevard by landfill traffic. It is a known fact that these tractor trailers exceed the 25 mph posted speed limit on Washington Boulevard. The bus driver report that they wait until the landfill traffic passes before putting out the school bus stop sign. This is because **the trucks will not obey the school bus stop sign.** The same situation exists on Ashurst Road.
- VEHICLE REPAIRS:** There is no maintenance on the county roads used by the landfill traffic. It has been reported that members of the community have had to make costly repairs to their vehicles due to being run off the road by landfill traffic and hitting pot holes caused by that traffic. In addition, neither Tallapoosa County or the TWDC will take responsibility for the road situation or auto repairs and there is no such thing as traffic patrol or enforcement by any of our law enforcement agencies.
- THE ENTIRE STATE IS DUMPING ON US:** In addition, the preceding paragraph only discusses the impact when the permit only covered nineteen (19) Alabama counties. In April of this year, the State of Alabama increased the service area of the TWDC to include all **sixty-seven (67) counties in the state of Alabama and three (3) counties in the state of Georgia.** Once again, the most impacted people were not notified or given an opportunity provide input about the impacts on our community.
- d. **HEALTH ISSUES: There has been no effort by the Alabama Department of Health** to monitor the health of the ABSC members. The state of Alabama has permitted



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the TWDC nuisance into the ABSC but has not taken any responsibility to assure the health and safety of the community members. There has been no monitoring of water, air or soil quality beyond the boundary of the TWDC. There has been no sharing of an emergency response plan with any member of the community despite several known hazards associated with landfills. There has been no control of disease vectors such as vultures, insects, wild dogs or wildlife. There has been no monitoring of the health of game animals that are hunted and consumed by hunters. There has been nothing done to assure the health and safety of the ABSC. ***Yet it has been dictated despite our opposition that we should bear the burdens of the whole state of Alabama and three (3) counties in Georgia with no compensation for our losses.***

- e. **INCONSIDERATE OPERATION TIMES:** In reviewing the proposed permit, I did not see any reference to the time of operation of the TWDC. At present, Stones Throw advertises that their hours of operation are Monday through Friday 6am to 6pm. **A total of eight (8) to ten (10) tractor trailers of garbage travel to the TWDC starting as early as 1:30am.** What was the content of those trucks and why were they traveling to a closed facility at that time of morning? On October 30, 2021, a verified total of one-hundred and fifty (150) trucks passed within seventy-five (75) feet of my neighbor's house. On November 1, 2016, one-hundred and seventy (170) trucks passed the same neighbor's house. That means that my neighbors experienced 325 stinky, smelly, leaking garbage trucks over a two (2) day period. This is an unfair burden to have simply because your family is black and you choose to live on land that has been in your family since the 1800s.

The entire existence of this landfill is unfair to our community and a clear violation of our rights. It is inhumane and it has been done without regard to proper care for the citizens it affects. Furthermore, we are beyond disappointed with the behavior of this company which demonstrated such disrespect to our community.

Please provide a written response within two (2) weeks of this letter. If you have any questions for me, please let me know in your correspondence.

I trust you understand that we are only requesting the same rights anyone else in this country has: to live in an environment that is safe for our children and families and which provides a decent quality of life for its citizens. Surely, that is something we all have in common and besides, this is your stated mission.

Best,

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President, ASBC
Concerned Citizen of Tallapoosa County